



HILL RIVKINS LLP
45 Broadway, Suite 1500, New York, NY 10006-3793
Tel: 212 669-0600 Fax: 212 669-0698/0699
e-mail: thefirm@hillrivkins.com
Website: www.hillrivkins.com

CASEY M. O'BRIEN
212.669.0615
cobrien@hillrivkins.com

November 27, 2019

Via ECF

The Hon. Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

RE: National Union Fire Ins. Co. of Pittsburgh, PA, *et al.*
al. v. APL Co. Pte. Ltd. et al.
Case No.: 1:19-cv-08554-JMF
LETTER MOTION: Request to Adjourn Initial
Pretrial Conference

Dear Judge Furman:

We represent the Plaintiffs in the referenced action. We write to provide an update on this matter and to request that the Initial Pretrial Conference be adjourned. Defendants join in this request.

The Initial Pretrial Conference is scheduled for December 11, 2019. (ECF [Doc. No. 8](#)) The parties request that the conference be adjourned to January 17, 2020, or as soon thereafter as the Court's schedule permits. This is the first request for an adjournment in this case. No other appearances have been scheduled.

This action arises out of alleged damage to shipments of Kraft Bleached Wood Pulp (the "Cargo") from Savannah, Georgia to Callao, Peru in August / September 2018 (the "Shipment"). The Cargo was on board the MV AS FORTUNA (the "Vessel") when the Vessel ran aground on September 13, 2018. The Plaintiffs were the insurer and/or owner and consignee of the cargo. The Defendants are common carriers and issued bills of lading for the Shipments.

NEW JERSEY
102 South Broadway
South Amboy, NJ 08879-1708
Tel: 732 838-0300 Fax: 732 316-2365
e-mail: thefirm@hillrivkins.com

TEXAS
55 Waugh Drive, Suite 1200
Houston, Texas 77007
Tel: 713 222-1515 Fax: 713 222-1359
e-mail: thefirm@hillrivkins.com

CALIFORNIA
Hill Rivkins Brown & Associates
11140 Fair Oaks Boulevard, Suite 100
Fair Oaks, CA 95628-5126
Tel: 916 535-0263 Fax: 916 535-0268
e-mail: thefirm@brnlaw.com

Plaintiffs commenced this action in the Southern District of New York pursuant to the forum selection clause in the bill of lading. We understand that in connection with the grounding incident, the owners of the Vessel commenced a Limitation Action in Singapore, in which the Vessel owners seek to limit their liability to the value of the Vessel. Defendants have an interest in the Singapore action and all grounding-related claims except this matter have been brought in Singapore. To that end, in initial discussions, Defendants requested that Plaintiffs dismiss the SDNY action in favor of the Singapore action. Defendants indicated that should the SDNY action continue, Defendants may file a motion.

While the parties consider the Singapore action and a claim demand to resolve the dispute, Plaintiffs requested, and Defendants agreed, to waive formal service pursuant to Rule 4 of the Federal Rules of Civil Procedure. The parties agreed to extend the time for Defendants to respond to the First Amended Complaint to January 16, 2020. The waiver of service form, executed by counsel for Defendants, is being filed concomitantly with this request.

In light of the circumstances, the parties submit that the Initial Pretrial Conference may be more productive after the deadline for Defendants' responsive pleading.

We remain available to address any questions the Court may have regarding this request.

Very Truly Yours,
HILL RIVKINS LLP

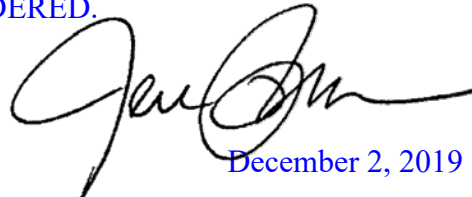


Casey M. O'Brien

CC: *via email*

Holland & Knight LLP
Christopher Nolan, Esq.
Clayton Vignocchi, Esq.
31 West 52nd Street
New York, New York 10019
Tel.: (212) 513-3307
Email: chris.nolan@hklaw.com
clayton.vignocchi@hklaw.com

The initial pretrial conference previously scheduled for December 11, 2019 is hereby ADJOURNED to February 5, 2020 at 3:00 p.m. The Clerk of Court is directed to terminate ECF No. 13. SO ORDERED.



December 2, 2019